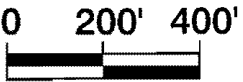


OFFICE

C-23C-01



70-10-1-1

BROOKLAND DISTRICT

HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

July 17, 2001

RE: Conditional Rezoning Case C-23C-01

Mr. F. Cristiano Attems
3123C Stony Point Road
Richmond, VA 23235

Dear Mr. Attems:

The Board of Supervisors at its meeting on July 10, 2001, granted your request to conditionally rezone property from B-2C Business District (Conditional) to O-2C Office District (Conditional), Parcel 70-10-1-1 described as follows:

Beginning at a point on the N. line of Shrader Road which point is 175' W. of Hungary Springs Road; thence along the N. line of Shrader Road N 36°20'00" W. 1,018.03' to a point; thence N. 06° 30' 00" W 308.42' to a point; thence 36° 20' 00" E, 1,379' to a point; thence S. 45° 59' 00" E, 272.71' to the point of beginning containing 9.097 acres.

The Board of Supervisors accepted the following proffered conditions, dated June 25, 2001, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. BUFFER

- (a) A 20' buffer strip will be provided along the north line of the Property adjacent to the Woodlawn Farms subdivision. The mature trees in the buffer shall only be cleared to the extent necessary to provide access for the people and equipment necessary to construct and maintain the wall described in proffer number 2, below.
- (b) If it should be necessary to locate utilities in the buffer, they shall generally be at a 90° angle to the buffer with as little intrusion as possible.

2. WALL/LANDSCAPING

- (a) Prior to the issuance of an occupancy permit for any portion of the Property a precast modular masonry wall, eight (8) feet in height shall be constructed for the entire length of the Property as near as practicable to the Northern boundary of the Property. The wall shall set on concrete footings of a design and method of construction as shall be approved by the County Building Official.

- (b) A fifteen foot landscaping strip shall be provided along Shrader Road, except within paved access points to the property. Such landscaping shall be approved by the Planning Commission as each site is developed.

3. REFUSE/PARKING LOT CLEANING

Refuse collection and parking lot cleaning shall not occur between the hours of 8 p.m. and 8 a.m.

4. LIGHTING

Lighting on the property shall be designed to minimize glare and spillover on adjacent property (not to exceed a half a foot candle on the residential side) and be reduced to no more than security levels following the close of business.

5. ARCHITECTURAL TREATMENT/BUILDING RESTRICTIONS

The exposed portion of each exterior wall surface (front, rear and sides) of all buildings constructed on the Property (excluding rooftop screening material for mechanical equipment) shall be similar to the exposed portions of the exterior wall surfaces of such building in architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of either a combination face brick, split faced block, dryvit, if attached to a masonry surface or glass. No building on the property shall exceed two (2) stories in height.

6. ACCESS

Access to the Property shall only occur from Shrader Road. There shall be no more than four separate entrances to the property from Shrader Road, unless otherwise approved by the Planning Commission as part of a Plan of Development.

7. MISCELLANEOUS

No portion of the property shall have:

- (a) Outside loudspeakers.
- (b) Buildings that cover more than 25 percent of the total site area.
- (c) Loading areas, dumpsters and HVAC equipment except as shall be positioned and screened in a manner acceptable to the Planning Commission at the time of Plan of Development approval.
- (d) Banks, savings and loan or small loan establishments, drive-in or otherwise.
- (e) Child care center.
- (f) Funeral homes, undertaking establishments or cremation unit.
- (g) General hospitals, sanitariums or charitable institutions for human care, provided that the foregoing prohibition shall not preclude medical offices, medical treatment facilities or facilities providing specialized surgical treatment on a non-emergency basis.

(See Attached letter dated 7-20-2001)

Mr. F. Cristiano Attems
July 17, 2001

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- (h) Recycling collection facility.
- (i) Studio for an artist, designer, writer, photographer or musician.

8. Signage on the Property shall be monument style and shall not exceed eight (8) feet in height.

These proffers have been given voluntarily.

The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.,
County Manager

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. J. W. Keith, Jr., Atty



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John R. Marbles, AICP
Director of Planning
(804) 501-4602

July 20, 2001

Attached to Proffers C-23C-01

Mr. Brian Marron
Cantor, Arkema, & Edmonds
823 East Main Street
P.O. Box 561
Richmond, Virginia 23218

Dear Mr. Marron:

In response to your letter dated July 12, 2001, requesting a proffer interpretation of Proffer 7(g) of zoning case C-23C-01, I would like to clarify the position of the Henrico County Planning Office with regard to this proffer. Proffer 7(g) as written prohibits:

"general hospitals, sanitariums or charitable institutions for human care, provided that the foregoing prohibition shall not preclude medical offices, medical treatment facilities or facilities providing specialized surgical treatment on a non-emergency basis."

Staff feels the intent of this proffer is to prohibit hospitals or other institutions that provide full-service human care. Staff feels this proffer would allow surgical procedures to be performed on an unscheduled basis, as long as the facility was not used to treat patients with life-threatening injuries as in a hospital.

In addition, staff recognizes that in some cases patients will be admitted for surgical procedures that require extended periods of observation that may include overnight stays. Staff has determined that occasional overnight observation periods not exceeding 24 hours would be acceptable at this location. Lastly, staff would like stress the importance of "occasional" overnight stays, the proffer is intended to prohibit frequent overnight stays typically found in hospitals.

If you have any questions about staff's interpretation or if you would like to discuss this further, please call me at (804) 501-4604.

Sincerely,

Randall R. Silber
Assistant Director of Planning

cc: Director of Planning
Principal Planner – Blankinship